

REMARKS

In the office action mailed on September 9, 2004, amended claim 12 and new claim 25 were restricted for being independent and distinct from the invention of the other pending claims and withdrawn from further consideration. Claims 7-11, 13-15, 19, and 24 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Claims 7-11, 13-20, and 22-24 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 7-11, 13-20, and 22-24 were rejected under 35 U.S.C. § 103(a) as being obvious over various combinations of Cupps et al. (U.S. Patent No. 5,991,739, hereinafter “Cupps”), Miller et al. (U.S. Patent No. 4,882,475, hereinafter “Miller”), Sehr (U.S. Patent No. 6,085,976, hereinafter “Sehr”), and Suzuki (U.S. Patent No. 6,129,274, hereinafter “Suzuki”).

Applicant’s Invention

Applicant’s invention is entitled “Automated Cafeteria.” That title refers to a system that enables a customer to remotely order a meal and then travel to the cafeteria where the corresponding prepared order is obtained and purchased at an automated check-out station. Therefore, a remote ordering interface is used to specify items in a customer’s order so that the items in the order may be prepared, assembled together, and associated with an order number that is printed on a label. The order number is assigned by the system that accepted the order for preparation. The assigned order number identifies the order, not the customer, and is communicated to the customer so that the customer can

identify and claim the assembled order from a plurality of assembled orders housed at a publicly accessible area. An automated check-out station retrieves the assigned order number from a storage unit brought to the automated check-out station from the remote ordering site and verifies that the order number in the storage unit corresponds to the order number associated with an assembled order being presented at the automated station for purchase. The claims are directed to the system that (1) enables a customer to place an order, (2) generates an assigned order number for the order, (3) transmits the number to the customer for use in identifying and obtaining the order, and (4) verifies that the assigned order number on the label of a prepared order corresponds to the order number retrieved from a storage unit in which the transmitted number is stored so the correct order is selected and purchased by the customer.

Section 112, first paragraph rejections

Claims 15 and 24 were rejected under 35 U.S.C. § 112, first paragraph for failing to meet the written description. These claims have been amended to address the Examiner's comments regarding the differences between the embodiments of unauthorized removal of orders or baskets from the cafeteria. The description of the anti-theft device is set forth in the specification at page 13, lines 4-12. Applicant gratefully acknowledges Examiner's comments regarding the lack of distinctiveness between the two approaches set forth in claims 14 and 23 from those set forth in claims 15 and 24. Claims 15 and 24, as amended, fully

overcome the observations stated in the last office action and Applicant submits that these claims are now in condition for allowance.

Claims 7-11, 13-15, and 19 were also rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. The Examiner bases this rejection on a narrow reading of the specification that does not view the various storage units described in the specification as comporting with the storage units required by the claims. Furthermore, the Examiner reads the claims in a way that requires the storage unit from which the assigned order number is read by the automated station to remain coupled to the computer when the assigned number is being retrieved by the automated station. The claim only requires that the storage unit be coupled to the computer to receive and store the assigned order number. Nothing in the claim prevents the storage unit from being de-coupled from the computer, taken to the automated cafeteria and made available to the automated check-out station for retrieval of the assigned order number. The claims simply require the storage unit that was coupled to the computer for receipt of the assigned order number to be the same storage unit from which the automated station retrieves the assigned order number.

When the claim is properly construed, a printer coupled to the computer also couples the paper to the computer so that the assigned order number may be stored on a paper with human readable characters or a bar code as described in the specification (page 4, lines 18-24). The Examiner states that the paper is not coupled to the computer, but gives no support for such a narrow reading of

the term “coupled” (Office Action, page 7, lines 9-10). In light of the specification, the paper is clearly coupled to the computer through the printer for receipt and storage of the assigned order number. The paper bearing the assigned order number may be presented to the automated check-out station so that the number may be retrieved by the station. Automated check-out stations are known that have bar code readers for retrieving uniform product codes (UPCs) from products so the automated station at the cafeteria set forth in the claims may include a bar code reader for retrieving the assigned order number from the paper that was coupled to the computer through the printer.

In a similar manner, the specification describes the storing of an assigned order number in a stored value card using a card reader (page 5, lines 6-10). Again, the Examiner states that the card reader is coupled to the computer, but the stored value card is not (Office Action, page 7, lines 10-11). This reading is unsupported and is too restrictive. The stored value card is a type of storage unit that is coupled to the computer through the interface of a card reader. The stored value card may then be de-coupled from the computer by removing it from the card reader, taken to the automated station at the cafeteria, and presented to the station so a card reader associated with the station can retrieve the order number from the card. Therefore, the specification satisfies the written description that the computer stores the assigned order number in a storage unit, such as paper or a stored value card, which is coupled to the computer, through a printer or card reader, and then de-coupled from the computer for transportation to the cafeteria so the order number may be retrieved from the

storage unit by the automated station. In light of Applicant's disclosure in the specification, the Examiner is overly restricting the word "coupled" and this ground of rejection should be withdrawn for claims 7-11, 13-15, and 19.

In light of the amendments to claims 15 and 24 as well as the remarks presented above, the grounds of rejection under 35 U.S.C. § 112, first paragraph for failing to meet the written description requirement as to all of the pending claims should be withdrawn.

The comments made above also apply to the Examiner's ground of rejection as to claims 7-11, 13-20, and 22-24 under 35 U.S.C. § 112, second paragraph as being indefinite. Identification of the storage unit and the retrieval of the assigned order number are sufficiently definite to comport with the statutory requirements for the claims. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Obviousness Rejection

Examiner has rejected the pending claims under 35 U.S.C. § 103(a) primarily in view of a combination of Miller, Cupps, and Sehr. Succiently stated, the Examiner has failed to provide any motivation for combining the references. The references do not recognize the problem of identifying an assembled order for its corresponding customer in a publicly accessible area and then confirming the correlation of the assembled order and customer at an automated check-out station. The Examiner continues to rely on two references, Cupps and Miller, that disclose the remote ordering of food items with delivery or attended pick-up

of the remotely ordered items to a customer. The system of Sehr relates to the customer's deposit of luggage and generation of labels for confirming correct retrieval of the deposited luggage. However, even if one of ordinary skill in the art were motivated to combine the Cupps/Miller/Sehr references into a single combination, although Applicant maintains that the record is devoid of any such motivation, the combination would fail to provide the transmission of an assigned order number to a remote location so that the order number may be transported to a site where assembled orders are publicly available in order to assist a customer in locating a corresponding assembled order and enabling an automated station to verify the correlation at the time of purchase. Consequently, Examiner has failed to present a *prima facie* case of obviousness by either justifying the combination or demonstrating how it provides or suggests each element of the claims. Instead, the silence of the cited references regarding an automated check-out station that verifies correlation of an assembled order that is identified by an assigned order number with an assigned order number stored in a unit that obtained the number remotely is compelling evidence that the invention of the pending claims is not obvious and that the claims should be allowed.

The failure of the Examiner to provide motivation for the combining of the Cupps, Miller, and Sehr references is fatal for the 103 rejection of all of the pending claims. Furthermore, the arguments presented in Applicant's previous response regarding the deficiencies of Cupps and Miller still apply to the Cupps/Miller/Sehr combination and are incorporated in this reply. All of the

rejections set forth in the office action rely on the Cupps/Miller/Sehr combination. The Examiner has failed to present a cogent reason for combining these references and this combination does not teach or suggest Applicant's invention. Therefore, all of the section 103 rejections should be withdrawn. The remarks made by Applicant regarding the applicability of Suzuki to the pending claims remain relevant and are also incorporated herein.

Although the Examiner does not rely upon Kipp, it does disclose a remote ordering interface and a type of automated station for order pick-up. Still, the system of Kipp does not teach or suggest the generation of an assigned order number at the order processing site, the communication of the assigned order number to the customer's computer, the storage of that number in a unit at the computer, the de-coupling of the unit from the computer for transportation to the pick-up site, and the verification that the assigned order number in the de-coupled storage unit corresponds to the assigned order number printed on a label associated with an assembled order. Instead, the system of Kipp only requires the customer to provide customer identification, not order identification, at the pick-up site. This difference is substantial because the system of Kipp provides only one order that is assembled at the time of pick-up to the customer. Therefore, it does not address the problem solved by Applicant's invention, namely, the identification of an assembled order held in a publicly accessible area so the customer can accurately identify the order and an automated station can verify the correspondence of the assigned order number on the order label

and the one stored in a storage unit that was de-coupled from a customer computer and brought to the automated station.

CONCLUSION

The Examiner's comments regarding claims 15 and 24 are appreciated and these claims have been amended to correct the dependency of these claims so they correctly set forth an alternative embodiment. The remaining section 112 rejections are based on overly narrow readings of the term "coupled to the computer" and the unnecessary limitation added by the Examiner that the storage unit remain coupled to the computer when presented to the automated station for verification of the order. The section 103 grounds of rejection must fall because there is no evidence supporting the cited combination and Applicant's remarks regarding the applicability of Cupps, Miller, and Suzuki are still accurate. For the reasons set forth above, claims 7-11, 13-20, and 22-24 should be allowed over the references of record. Entry of all amendments and reexamination of all presented claims are requested.

Respectfully submitted,



David M. Lockman
Reg. No. 34,214